

Message Text

CONFIDENTIAL

PAGE 01 LIMA 06819 021436Z

ACTION DLOS-09

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 ISO-00

ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01

SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05

IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-09

OMB-01 PA-01 PM-05 SP-02 SS-15 ICA-11 OIC-02

/192 W

-----047486 030926Z /21

R 021257Z AUG 78

FM AMEMBASSY LIMA

TO SECSTATE WASHDC 1224

INFO AMEMBASSY SANTIAGO

USMISSION USUN NEW YORK

C O N F I D E N T I A L LIMA 6819

E.O. 11652: GDS

TAGS: PLOS, CI

SUBJECT: LOS: US-CHILE CONSULTATIONS

1. AMB. RICHARDSON HAD AN EXTENSIVE DISCUSSION OF LOS ISSUE JULY 26 WITH AMB. ZEGERS AND PROF. ARREGO IN MEETING PRESIDED BY DIRECTOR GENERAL COLONEL LAVIN OF THE FOREIGN MINISTRY. THE DISCUSSION DEALT WITH LOS ISSUES LARGELY IN THE CONTEXT OF THE RESUMED SESSION. RICHARDSON GAVE THE CHILEANS US AMENDMENTS TO ICMT ON MSR, AND SOLICITED CHILEAN SUPPORT TO IMPROVE THE ARTICLE ON MARINE MAMMALS.

2. RESUMED SESSION

(A) TACTICS - ZEGERS AGREED EMPHATICALLY THAT IT WOULD BE MOST UNFORTUNATE IF THE CONFERENCE WERE TO GO BACK OVER THE GROUND COVERED ON SEABEDS AT GENEVA AS TH EUROPEAN COMMUNITY COUNTRIES AND JAPAN WISH TO DO. HE SAID THAT IF THE GROUP OF 77 SENSED THAT THE EC AND JAPAN WANTED TO REOPEN THE GENEVA TEXTS. THERE WOULD BE A CATASTROPHE. ZEGERS ANTICIPATED THAT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LIMA 06819 021436Z

THE RADICALS WOULD ATTACK NJENGA TEXT DURING THE G-77 MEETING IN NEW YORK BEFORE THE RESUMED SESSION. THE MODERATES WOULD BE WEAKENED IF IT APPEARED THAT TEXTS WOULD BE REOPENED. PERU AND BRAZIL SHARED THIS ASSESSMENT, ZEGERS SAID. RICHARDSON NOTED THAT AGUILAR, TOO, HAD FORCEFULLY ARGUED AGAINST CALLING THE NJENGA TEXTS INTO QUESTION NOW. RICHARDSON SUGGESTED THAT ZEGERS COULD HELP US IN PERSUADING THE EC

NINE AND JAPAN FROM TRYING TO REOPEN THE GENEVA SEABEDS TEXTS. ZEGERS UNDERTOOK TO DO WHAT HE COULD THROUGH DIPLOMATIC CHANNELS, ALTHOUGH THERE WAS NOT MUCH TIME BEFORE THE G-77 MEET IN NEW YORK BEGINNING AUG 14. HE THOUGH HE MIGHT GET IN TOUCH WITH ZULETA AND ASK HIM TO HELP.

(B) ORGANIZATION - ZEGERS AGREED THAT NEGOTIATING GROUP 1 SHOULD GO FORWARD AND DEAL WITH ANNEX II. HE AND RICHARDSON AGREED THAT ENGO REMAINS A PROBLEM, BUT THAT THE BEST WAY TO CONTROL HIM WOULD BE TO CONTINUE THE GENEVA WORK PROGRAM. ZEGERS SAW NO PROCEDURAL DIFFICULTY IN NG-2 MOVING AHEAD. NEITHER SAW ANY PURPOSE IN NG-3 CONTINUING TO DISCUSS THE COUNCIL. RICHARDSON SAID THAT INSTEAD, ATTENTION SHOULD BE GIVEN TO SETTLEMENT OF SEABEDS DISPUTES. THIS IS A KEY ISSUE FOR THE US SINCE IT IS IMPORTANT TO GET SATISFACTORY DISPUTE SETTLEMENT PROVISIONS AS ASSURANCE TO SEABED MINERS AGAINST THE EXERCISE OF ARBITRARY DISCRETIONARY POWER BY THE AUTHORITY. ZEGERS THOUGHT ZULETA'S IDEA OF HAVING A GROUP OF COMPARATIVE LAW EXPERTS STUDY THE ISSUE OF JUDICIAL REVIEW AS A GOOD ONE.

(C) RESOURCE POLICY AND PRODUCTION CONTROLS - ZEGERS SAID CHILE CAN ACCEPT THE US-CANADIAN COMPROMISE ON PRODUCTION CONTROLS. HE THOUGHT IT ACCEPTABLE TO MOST AT THE CONFERENCE, INCLUDING MANY OF THE GROUP OF 77. THE DRAFT ARTICLE, HE STRESSED, IS VERY IMPORTANT FOR CHILE. AGREEMENT ON THIS ISSUE WOULD FACILITATE ACCOMMODATION ON OTHER SEABEDS ISSUES. RICHARDSON NOTED OPPOSITION WITHIN THE US GOVERNMENT TO THE US-CANADIAN AGREEMENT, AND WARNED THAT IF A TIGHT QUOTA

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LIMA 06819 021436Z

PROVISION WERE ADDED, IT WOULD KILL THE TREATY IN THE US. RICHARDSON SAID HE WAS WORRIED ABOUT THE QUOTA ISSUE COMING UP BEFORE WE HAD BEEN ABLE TO SORT IT OUT WITH FRANCE. ORREGO SAID THAT WHEN THE US COMES UP WITH A SOLUTION, IT WILL GO THROUGH. MEANWHILE, CHILE WOULD DO WHAT IT COULD TO HEAD OFF PREMATURE DISCUSSION IN THE G-77.

(D) REVIEW CONFERENCE - WHEN RICHARDSON REFERRED TO THE DIFFICULTIES THE US HAS WITH THE PROVISIONS OF THE NJENGA TEXTS ON A REVIEW CONFERENCE, ORREGO NOTED THAT THE G-77 UNDERSTANDS THAT THE 20-YEAR PERIOD OF PRODUCTION LIMITATION WOULD COINCIDE WITH THE HOLDING OF A REVIEW CONFERENCE. IF IT DID NOT THERE COULD BE PROBLEMS WITH THE G-77. HE SAID THE G-77 FEAR THAT THEY WILL END UP WITH NOTHING EFFECTIVE IN WAY OF PRODUCTION CONTROLS. RICHARDSON SAID HE HOPED NOT TOO MUCH WOULD BE OF A LINK BETWEEN THE PERIOD OF PRODUCTION LIMITATION AND A REVIEW CONFERENCE. ONE DEFENSE OF THE COMPROMISE WORKED OUT WITH CANADA WAS THAT THE PRODUCTION LIMITATION WAS NOT LIKELY AS A PRACTICAL MATTER TO HAVE BITE. ORREGO AGREED THAT THIS WAS ANOTHER REASON FOR NOT REOPENING THE ISSUE AT NEW YORK. HE ADDED THAT SIMILARLY TRANSFER OF TECHNOLOGY SHOULD NOT BE TAKEN UP AT NEW YORK. THE G-77 HAVE NOT YET GENERALLY APPRECIATED

THAT TRANSFER OF TECHNOLOGY WOULD APPLY ONLY TO MINING OPERATIONS, NOT PROCESSING OF ORES. WHEN RICHARDSON NOTED US DOMESTIC CRITICISM OF THE TEXTS ON TOT ORREGO SAID THE G-77 IS ALSO CRITICAL OF THEM. HE THOUGH ONLY MINOR CHANGES WERE POSSIBLE, NOT THE MAJOR CHANGES THE EC NINE AND JAPAN WANT. AS TO THE "BRAZIL CLAUSE," RICHARDSON SAID IT BENEFITS NO ONE, EXCEPT POSSIBLY ADVANCED DEVELOPING COUNTRIES LIKE BRAZIL AND SAUDI ARABIA BUT ONLY IF THEY WERE TO GO IT ALONE, WHICH WAS UNLIKELY. WE NEEDED TO GET IT OUT OF THE TEXT.

(E) MARITIME BOUNDARIES - ZEGERS SAID THAT CHILE CANNOT ACCEPT THE SEPARATION OF SUBSTANCE FROM THE DISPUTE SETTLEMENT ASPECT. THEY WANT TO DISCUSS MARITIME BOUNDARIES IN NEW YORK, ALTHOUGH IT IS NOT A MATTER OF HIGH PRIORITY. THERE SHOULD BE ANOTHER TRY BY MANNER'S GROUP. RICHARDSON SAID WE HAVE CONFIDENTIAL

CONFIDENTIAL

PAGE 04 LIMA 06819 021436Z

NO PROBLEM WITH ANOTHER TRY.

(F) CONTINENTAL SHELF - BOTH RICHARDSON AND ZEGERS AGREED THAT THERE WERE NO PROBLEMS BETWEEN OUR TWO COUNTRIES ON THE DEFINITION OF THE OUTER EDGE OF THE CONTINENTAL MARGIN.

(G) LEGAL STATUS OF THE EEZ - RICHARDSON SAID THAT WHILE WE SUPPORT THE SOVIET AMENDMENT TO ARTICLE 55, WE HOPE THE SOVIETS WILL NOT PRESS IT TOO HARD. ZEGERS SAID THAT THE COMPROMISE REACHED IN THE CASTANEDA GROUP IN 1977 WAS THE LIMIT FOR THE LATIN AMERICANS. HE ADDED THAT THEIR PROBLEM WITH THE SOVIET AMENDMENT WAS NOT ONE OF SUBSTANCE BUT OF COSMETICS AND POLITICAL EQUILIBRIUM. RICHARDSON ADDED THAT WE ARE CONCERNED THAT THE SOVIETS WILL PRESS SO HARD TO CREATE THE IMPRESSION THAT THE TEXT MEANS SOMETHING OTHER THAN WHAT IT IS GENERALLY AGREED IT MEANS. HE MENTIONED THAT CASTANEDA HAD AGREED TO A COLLOQUY AT AN APPROPRIATE TIME TO MAKE CLEAR THE MEANING OF THE TEXT. ZEGERS THOUGHT THIS EXCELLENT --A GOOD SOLUTION.

3. MARINE SCIENTIFIC RESEARCH

RICHARDSON GAVE ZEGERS A COPY OF OUR SUGGESTED AMENDMENTS TO THE MSR TEXTS, NOTING THAT THEY INCORPORATE COMPROMISES REACHED IN THE 1977 CASTANEDA GROUP BUT GO A BIT FURTHER. ZEGERS THOUGH IT POSSIBLE TO GET THE CASTANEDA COMPROMISES INTO THE ICNT BUT THAT TO GO BEYOND WOULD BE TOUGH. THE COASTAL STATES INCLUDING SOME LATIN AMERICANS, SOME AFRICANS, YUGOSLAVIA AND INDIA WOULD BE HARD TO MOVE BEYOND THE CASTANEDA TEXTS. RICHARDSON URGED ZEGERS TO STUDY OUR AMENDMENTS BY APPLYING TWO CRITERIA: (1) DO THEY CLARIFY THE INTENT OF THE PRESENT ARTICLES?; (2) DO THEY CONTRIBUTE TO THE INTERESTS OF THE COASTAL STATES AS WELL AS THOSE OF THE RESEARCHING STATE? WE ARE, HE STRESSED, NOT TRYING TO DISTURB THE BALANCE ALREADY ACHIEVED; RATHER TO FURTHER WORLD KNOWLEDGE OF THE OCEANS. ZEGERS PROMISED TO STUDY THE AMENDMENTS TO SEE IF CONFIDENTIAL

CONFIDENTIAL

PAGE 05 LIMA 06819 021436Z

THEY ARE VIABLE AND GIVE RICHARDSON HIS REACTION. RICHARDSON SAID WE WOULD DECIDE BY AUG 21 ON THE BASIS OF REACTIONS WE GET HOW WE WILL PROCEED.

4. MARINE MAMMALS

RICHARDSON MADE A STRONG PLEA FOR CHILEAN COOPERATION IN IMPROVING THE PROVISIONS OF THE ICNT ON PROTECTION OF MARINE MAMMALS, SHOWING ZEGERS OUR SUGGESTED CHANGES IN THE TEXT. ZEGERS GLANCED AT THEM QUICKLY AND SAID THEY SHOULD BE SUPPORTED. HE NOTED THAT THE US PROPOSED THE ESTABLISHMENT OF AN INTERNATIONAL ORGANIZATION, AND WONDERED IF WE INTENDED SUCH ORGANIZATION SHOULD SUPPLANT THE IWC.
SHLAUDEMANN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978LIMA06819
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780317-1261
Format: TEL
From: LIMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197808108/aaaadmmd.tel
Line Count: 189
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 030d8b58-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 11 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1563314
Secure: OPEN
Status: NATIVE
Subject: LOS: US-CHILE CONSULTATIONS
TAGS: PLOS, CI, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/030d8b58-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014